

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION**

IN RE:)	CASE NO.: 18-12053-WHD
)	
LARRY ANTHONY SCOTT)	CHAPTER 13
)	
Debtor.)	

MOTION TO IMPOSE AUTOMATIC STAY

COME NOW Debtor, LARRY ANTHONY SCOTT, and asks this Court to impose the automatic stay of 11 U.S.C. Section 362(a) in this Chapter 13 Bankruptcy Case against all Creditors and show the Court the following:

1.

On October 1, 2018, Debtor filed a Voluntary Petition for Bankruptcy relief under Title 11, Chapter 13 of the United States Code.

2.

Debtor has filed a previous Chapter 13 bankruptcy case, bringing it within 11 U.S.C. Section 362(c)(4). Case No. 18-11172 was filed on June 4, 2018 (the "First Case") and dismissed on August 30, 2018.

3.

Debtor's First Case was dismissed because he missed both the initial and reset Meeting of Creditors hearings, and the confirmation hearing. There was miscommunication between the Debtor and the Debtor's previous attorney regarding the hearing dates. Debtor is a truck driver and didn't have direct access to his mail, and he was unaware of the reset hearing dates.

4.

Debtor filed the instant case to prevent repossession of his vehicle, to pay off his mortgage arrears, and to resolve his other unsecured debts. Debtor is able to propose a feasible Chapter 13 Plan payment that will allow the Debtor to pay both his Chapter 13 Plan payments and ongoing monthly living expenses. Do to no fault of the Debtor, the Motion to Extend Stay was not filed in a timely fashion in this case. Imposing the automatic stay will help Debtor prevent a repossession of his vehicles and allow him to address his other debts as well.

5.

Debtor has filed the instant case in good faith. Debtor asks the Court to find that the presumption that the instant case was not filed in good faith has been rebutted by clear and convincing evidence, as outlined above, and impose the automatic stay. Debtor asks the Court to allow him the opportunity to be successful in their current Chapter 13 case.

WHEREFORE, Debtor prays that this motion be granted and that the automatic stay of 11 U.S.C. Section 362(a) be imposed against all creditors.

Dated this 12th day of October 2018.

Respectfully Submitted,
_____/s/_____
Howard Slomka, Esq.
Georgia Bar # 652875
Slipakoff & Slomka, PC
Attorney for Debtor
2859 Paces Ferry Rd, SE
Suite 1700
Atlanta, GA 30339

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NOTICE OF HEARING

PLEASE TAKE NOTICE that LARRY ANTHONY SCOTT has filed a Motion to Impose Automatic Stay and related papers with the Court seeking an Order on the Motion to Impose Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion to Impose Automatic Stay in 2nd Floor Courtroom, United States Courthouse, 18 Greenville Street, Newnan, Georgia 30263 at 09:320 A.M. on November 15, 2018.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your view, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, 18 Greenville Street, Newnan, Georgia 30263. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: October 12, 2018

/s/
Howard Slomka, Esq.
Georgia Bar # 652875
Slipakoff & Slomka, PC
Attorney for Debtor
2859 Paces Ferry Rd, SE
Suite 1700
Atlanta, GA 30339

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Debtor		

CERTIFICATE OF SERVICE

I, Howard Slomka, attorney for Debtor, certify that the below listed parties and the attached service list have been served with a true and correct copy of the attached pleadings by placing a copy of same in a properly addressed envelope with adequate postage thereon and deposited in the United States Mail.

Melissa J. Davey (served via ECF)
Chapter 13 Trustee
Suite 200
260 Peachtree Street NW
Atlanta, GA 30303

Larry Anthony Scott
105 Largo Circle
Fayetteville, GA 30214

Wells Fargo Bank, NA
435 Ford Road, 3rd FL, Suite 300
Saint Louis Park, MN 55426-1063
Attn: Daosavanh Mua

Quantum3 Group LLC as agent for
Credit Corp Solutions Inc
PO Box 788
Kirkland, WA 98083-0788
Attn: Maria Capiral

Wells Fargo Bank, N.A.
Wells Fargo Card Services
PO Box 10438, MAC F8235-02F
Des Moines, IA 50306-0438

Wells Fargo Bank
PO Box 10438
Des Moines, IA 50306
Attn: Janet L Samuelson

Broker Solutions, Inc d/b/a New American Funding
c/o New American Funding
11001 Lakeline Boulevard, Ste 325
Austin, Texas 78717

Shapiro Pendergast & Hasty, LLP
211 Perimeter Center Parkway NE Suite 300
Atlanta, GA 30346
Attn: Lucretia L Scruggs

ACAR Leasing LTD
d/b/a GM Financial Leasing
PO Box 183853
Arlington, TX 76096
Attn: Aaron Rangel

Synchrony Bank c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541
Attn: Valerie Smith

Quantum3 Group LLC as agent for Credit Corp Solutions Inc
PO Box 788
Kirkland, WA 98083-0788
Attn: Fran Rosello

SEE ATTACHED FOR ADDITIONAL CREDITORS

Dated: October 12, 2018

_____/s/_____
Howard Slomka, Esq.
Georgia Bar # 652875
Slipakoff & Slomka, PC
Attorney for Debtor
2859 Paces Ferry Rd, SE
Suite 1700
Atlanta, GA 30339

Label Matrix for local noticing
113E-3
Case 18-12053-whd
Northern District of Georgia
Newnan
Fri Oct 12 13:34:01 EDT 2018

(p)GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Quantum3 Group LLC as agent for Credit Corp
PO Box 788
Kirkland, WA 98083-0788

Synchrony Bank
c/o PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Wells Fargo Bank
Credit Bureau Dispute Resoluti
Des Moines, IA 50306

Ashley Furniture
GE Capital Retail Bank
Post Office Box 960061
Orlando, FL 32896-0061

Gm Financial
Po Box 181145
Arlington, TX 76096-1145

(p)NEW AMERICAN FUNDING
11001 LAKELINE BLVD
BLDG 1 SUITE 325
AUSTIN TX 78717-5997

Larry Anthony Scott
105 Largo Circle
Fayetteville, GA 30214-2646

Thd/cbna
Po Box 6497
Sioux Falls, SD 57117-6497

Wells Fargo Bank Auto
Po Box 29704
Phoenix, AZ 85038-9704

Melissa J. Davey
Melissa J. Davey, Standing Ch 13 Trustee
Suite 200
260 Peachtree Street, NW
Atlanta, GA 30303-1236

Home Depot Credit Services
PO Box 689100
Des Moines, IA 50368

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541-1021

Howard P. Slomka
Slipakoff & Slomka, PC
Overlook III - Suite 1700
2859 Paces Ferry Rd, SE
Atlanta, GA 30339-6213

United States Attorney
Northern District of Georgia
75 Ted Turner Drive SW, Suite 600
Atlanta GA 30303-3309

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Georgia Department of Revenue
1800 Century Blvd
Suite 17200
Atlanta, GA 30345

New American Funding
11001 Lakeline Blvd
Austin, TX 78717

End of Label Matrix
Mailable recipients 16
Bypassed recipients 0
Total 16